

MAY 15 2006



MOTOROLA

FAX TRANSMITTAL SHEET

Motorola, Inc.
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8000 W. Sunrise Blvd.
Plantation, FL 33322
Telephone: (954) 723-6449
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24 Number of Pages (including this page)

Date: May 15, 2006
To Examiner: Nguyen, Quynh H
Location: United States Patent and Trademark Office
Fax No.: Centralized Fax Number: 1 (571) 273-8300
From: Larry G. Brown - Registration No. 45,834
Attorney's Docket No. CE11172JI019 Confirmation No. 7995

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MESSAGE:

In connection with the above-identified Patent Application, please find attached herewith the following documents:

- 1 page Transmittal Form;
- 1 page Fcc Transmittal (in duplicate);
- 2 pages Transmittal Letter for Appeal Brief (in duplicate);
- 16 pages Appeal Brief.

PLEASE DELIVER THESE PAPERS TO:

| | |
|-----------------|--------------------|
| EXAMINER: | Nguyen, Quynh H |
| GROUP ART UNIT: | 2642 |
| SERIAL NO.: | 10/608,323 |
| FILED: | June 27, 2003 |
| INVENTOR: | PATRICK A. HAMPTON |

CERTIFICATE OF FAX TRANSMITTAL

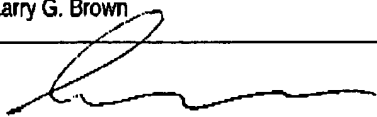
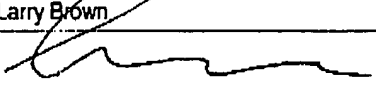
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Date: May 15, 2006

Signature: 
Printed Name: Larry Brown

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| | | | | | |
|---|---|--|--------------------|--|--|
| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | | Application Number | 10/608,323 | | |
| | | Filing Date | June 27, 2003 | | |
| | | First Named Inventor | Patrick A. Hampton | | |
| | | Group Art Unit | 2642 | | |
| | | Examiner Name | Nguyen, Quynh H | | |
| Total Number of Pages in this Submission | 23 | Attorney Docket Number | CE11172J1019 | | |
| ENCLOSURES | | | | | |
| (check all that apply) | | | | | |
| <input checked="" type="checkbox"/> Fee Transmittal Letter <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/Declaration(s) <input type="checkbox"/> Extension of time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Documents <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts Under 37 CFR 1.52 or 1.53 | | <input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-Related papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address _____ <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CDs | | | |
| | | <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter with appropriate copies <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below) <input checked="" type="checkbox"/> Transmittal Letter for Brief on Appeal <input type="checkbox"/> Associate Power of Attorney <input type="checkbox"/> RCE <input type="checkbox"/> Copy of Notice to File Missing Parts | | | |
| | | Remarks _____ <input checked="" type="checkbox"/> Facsimile Transmittal | | | |
| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | | | | | |
| Firm or Individual | Larry G. Brown | Registration No. | 45,834 | | |
| Signature |  | | | | |
| Date | May 15, 2006 | | | | |
| CERTIFICATE OF TRANSMITTAL/MAILING | | | | | |
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| Typed or printed name | Larry Brown | | | | |
| Signature |  | Date | May 15, 2006 | | |

UNITED STATES PATENT AND TRADEMARK OFFICE

MAY 15 2006

APPLICANT(S) Patrick A. Hampton

CONFIRMATION NO.: 7995

APPLN. NO.: 10/608,323

EXAMINER: Nguyen, Quynh H

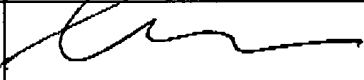
FILED: June 27, 2003

GROUP ART UNIT:

2642

DOCKET NO. CE11772JI019

TITLE: ACOUSTIC SEAL SYSTEM

| CERTIFICATE OF FAX TRANSMITTAL | |
|---|---|
| I hereby certify that this correspondence is being facsimile to the United States Patent and Trademark Office, at (571) 273-8300 Centralized Facsimile, addressed to: Mail Stop: <u>APPEAL BRIEF-PATENTS</u> , Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date listed below: | |
| Date: | May 15, 2006 |
| Signature: Typed or Printed Name: |  Larry Brown |

TRANSMITTAL LETTER FOR BRIEF ON APPEAL

Mail Stop: **APPEAL BRIEF-PATENTS**
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed please find one copy of an Appeal Brief filed on behalf of the applicants in the matter of the above entitled application. This Brief is filed pursuant to 37 CFR § 1.192 and following the Final Rejection dated February 17, 2006 and the Notice of Appeal filed by Applicant on May 15, 2006.

The Commissioner is authorized to charge the \$500.00 requisite fee for filing the enclosed Brief to Motorola, Inc., Deposit Account No. 502117. Any overpayment should be credit to the same Deposit Account.

SEND CORRESPONDENCE TO:

Motorola, Inc.

Customer Number: 24273

Respectfully submitted,



By: Larry G. Brown
Attorney of Record
Reg. No. 45,834
Telephone: (954) 723-4295
Fax No.: (954) 723-3871

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UNITED STATES PATENT AND TRADEMARK OFFICE

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Date: May 15, 2006

Signature:

Typed or

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Larry Brown

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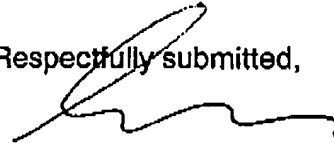
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Reg. No. 45,834
Telephone: (954) 723-4295
Fax No.: (954) 723-3871

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No. 2404 P. 7

MAY 15 2006

| FEE TRANSMITTAL Patent fees are subject to annual revision <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27 | | Complete If Known | |
|--|--|--------------------------|--------------------|
| | | Application Number | 10/608,323 |
| | | Filing Date | June 27, 2003 |
| | | First Named Inventor | Patrick A. Hampton |
| | | Examiner Name | Nguyen, Quynh H |
| | | Group Art Unit | 2642 |
| | | Attorney Docket No. | CE11172J1019 |
| TOTAL AMOUNT OF PAYMENT | | (\$) 500.00 | |

| METHOD OF PAYMENT (check all that apply) | FEE CALCULATION (continued) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|--|--|-----------------|--|---------------------|-----------------|----------|----------|----------|----------|--------------------|-----|------|-----|-------------------------------------|------|-------------------|------|------|-------------------------------------|------|-----|------------------|-----|---------------------------|------|------|------|--------------------|---|------|------|------|------|--|------|---------------------|------|-------|---|------|---------------------|---|--------------|--|--------------|----------------|----------|--------------------|---|------|-----|------|--------------------|--|------|------|------|-----|---|------|------|------|----------------|--|----------------|-----------------|-----------------|------|------------------|------|-----|------------------------|------|--|------|-----|-----------------------------------|------|--------------------------|------|------|---------------------------------------|------|---|------|-----|---|------|----------------------------------|------|------|---|---------------------|------------------------------------|------|------|------|---------------------|--------------------------------|------|-----|------|-----|------------------|------|-----|------|-----|-----------------|------|-----|------|-----|-------------------------------|------|----|------|----|-------------------------------------|------|-----|------|-----|-------------------|------|----|------|----|--|------|-----|------|-----|---|------|-----|------|-----|--|------|-----|------|-----|---|------|-----|------|-----|---|----------------------------|--|--|--|--|
| <input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None <input checked="" type="checkbox"/> Deposit Account: <div style="margin-left: 40px;"> Deposit Account Number: 502117 Deposit Account Name: Motorola, Inc. </div> | 3. ADDITIONAL FEES <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr><td>1051</td><td>130</td><td>2051</td><td>65</td><td>Surcharge - late filing fee or oath</td></tr> <tr><td>1052</td><td>50</td><td>2052</td><td>25</td><td>Surcharge - late Provisional filing</td></tr> <tr><td>1053</td><td>130</td><td>1053</td><td>130</td><td>Non-English specification</td></tr> <tr><td>1812</td><td>2520</td><td>1812</td><td>2520</td><td>For filing a request for ex parte Reexamination</td></tr> <tr><td>1804</td><td>920*</td><td>1804</td><td>920*</td><td>Requesting publication of SAR prior to Examiner action</td></tr> <tr><td>1805</td><td>1840*</td><td>1805</td><td>1840*</td><td>Requesting publication of SAR after Examiner action</td></tr> <tr><td>1251</td><td>110</td><td>2251</td><td>55</td><td>Extension for reply within first month</td></tr> <tr><td>1252</td><td>430</td><td>2252</td><td>215</td><td>Extension for reply within second month</td></tr> <tr><td>1253</td><td>980</td><td>2253</td><td>490</td><td>Extension for reply within third month</td></tr> <tr><td>1254</td><td>1530</td><td>2254</td><td>765</td><td>Extension for reply within fourth month</td></tr> <tr><td>1255</td><td>2080</td><td>2255</td><td>1040</td><td>Extension for reply within fifth month</td></tr> <tr><td>1401</td><td>340</td><td>2401</td><td>170</td><td>Notice of Appeal</td></tr> <tr><td>1402</td><td>340</td><td>2402</td><td>170</td><td>Filing a brief in support of an appeal</td></tr> <tr><td>1403</td><td>300</td><td>2403</td><td>150</td><td>Request for oral hearing</td></tr> <tr><td>1451</td><td>1510</td><td>1451</td><td>1510</td><td>Petition to institute a public use proceeding</td></tr> <tr><td>1452</td><td>110</td><td>2452</td><td>55</td><td>Petition to revive - unavoidable</td></tr> <tr><td>1453</td><td>1370</td><td>2453</td><td>685</td><td>Petition to revive - unintentional</td></tr> <tr><td>1501</td><td>1370</td><td>2501</td><td>685</td><td>Utility issue fee (or reissue)</td></tr> <tr><td>1502</td><td>490</td><td>2502</td><td>245</td><td>Design issue fee</td></tr> <tr><td>1503</td><td>660</td><td>2503</td><td>330</td><td>Plant issue fee</td></tr> <tr><td>1480</td><td>130</td><td>1480</td><td>130</td><td>Petitions to the Commissioner</td></tr> <tr><td>1807</td><td>50</td><td>1807</td><td>50</td><td>Processing fee under 37 CFR 1.17(c)</td></tr> <tr><td>1808</td><td>180</td><td>1808</td><td>180</td><td>Submission of IDS</td></tr> <tr><td>8021</td><td>40</td><td>8021</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td></tr> <tr><td>1809</td><td>790</td><td>2809</td><td>395</td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td></tr> <tr><td>1810</td><td>790</td><td>2810</td><td>395</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td></tr> <tr><td>1801</td><td>790</td><td>2801</td><td>395</td><td>Request for Continued Examination (RCE)</td></tr> <tr><td>1802</td><td>900</td><td>1802</td><td>900</td><td>Request for expedited examination of a design application</td></tr> <tr><td colspan="5">Other fee (specify): _____</td></tr> </tbody> </table> | Large Entity | | Small Entity | | Fee Description | Fee Code | Fee (\$) | Fee Code | Fee (\$) | 1051 | 130 | 2051 | 65 | Surcharge - late filing fee or oath | 1052 | 50 | 2052 | 25 | Surcharge - late Provisional filing | 1053 | 130 | 1053 | 130 | Non-English specification | 1812 | 2520 | 1812 | 2520 | For filing a request for ex parte Reexamination | 1804 | 920* | 1804 | 920* | Requesting publication of SAR prior to Examiner action | 1805 | 1840* | 1805 | 1840* | Requesting publication of SAR after Examiner action | 1251 | 110 | 2251 | 55 | Extension for reply within first month | 1252 | 430 | 2252 | 215 | Extension for reply within second month | 1253 | 980 | 2253 | 490 | Extension for reply within third month | 1254 | 1530 | 2254 | 765 | Extension for reply within fourth month | 1255 | 2080 | 2255 | 1040 | Extension for reply within fifth month | 1401 | 340 | 2401 | 170 | Notice of Appeal | 1402 | 340 | 2402 | 170 | Filing a brief in support of an appeal | 1403 | 300 | 2403 | 150 | Request for oral hearing | 1451 | 1510 | 1451 | 1510 | Petition to institute a public use proceeding | 1452 | 110 | 2452 | 55 | Petition to revive - unavoidable | 1453 | 1370 | 2453 | 685 | Petition to revive - unintentional | 1501 | 1370 | 2501 | 685 | Utility issue fee (or reissue) | 1502 | 490 | 2502 | 245 | Design issue fee | 1503 | 660 | 2503 | 330 | Plant issue fee | 1480 | 130 | 1480 | 130 | Petitions to the Commissioner | 1807 | 50 | 1807 | 50 | Processing fee under 37 CFR 1.17(c) | 1808 | 180 | 1808 | 180 | Submission of IDS | 8021 | 40 | 8021 | 40 | Recording each patent assignment per property (times number of properties) | 1809 | 790 | 2809 | 395 | Filing a submission after final rejection (37 CFR § 1.129(a)) | 1810 | 790 | 2810 | 395 | For each additional invention to be examined (37 CFR § 1.129(b)) | 1801 | 790 | 2801 | 395 | Request for Continued Examination (RCE) | 1802 | 900 | 1802 | 900 | Request for expedited examination of a design application | Other fee (specify): _____ | | | | |
| Large Entity | | Small Entity | | Fee Description | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1051 | 130 | 2051 | 65 | Surcharge - late filing fee or oath | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1052 | 50 | 2052 | 25 | Surcharge - late Provisional filing | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1053 | 130 | 1053 | 130 | Non-English specification | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1812 | 2520 | 1812 | 2520 | For filing a request for ex parte Reexamination | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1804 | 920* | 1804 | 920* | Requesting publication of SAR prior to Examiner action | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1805 | 1840* | 1805 | 1840* | Requesting publication of SAR after Examiner action | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1251 | 110 | 2251 | 55 | Extension for reply within first month | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1252 | 430 | 2252 | 215 | Extension for reply within second month | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1253 | 980 | 2253 | 490 | Extension for reply within third month | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1254 | 1530 | 2254 | 765 | Extension for reply within fourth month | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1255 | 2080 | 2255 | 1040 | Extension for reply within fifth month | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1401 | 340 | 2401 | 170 | Notice of Appeal | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1402 | 340 | 2402 | 170 | Filing a brief in support of an appeal | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1403 | 300 | 2403 | 150 | Request for oral hearing | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1451 | 1510 | 1451 | 1510 | Petition to institute a public use proceeding | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1452 | 110 | 2452 | 55 | Petition to revive - unavoidable | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1453 | 1370 | 2453 | 685 | Petition to revive - unintentional | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1501 | 1370 | 2501 | 685 | Utility issue fee (or reissue) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1502 | 490 | 2502 | 245 | Design issue fee | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1503 | 660 | 2503 | 330 | Plant issue fee | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1480 | 130 | 1480 | 130 | Petitions to the Commissioner | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1807 | 50 | 1807 | 50 | Processing fee under 37 CFR 1.17(c) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1808 | 180 | 1808 | 180 | Submission of IDS | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 8021 | 40 | 8021 | 40 | Recording each patent assignment per property (times number of properties) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1809 | 790 | 2809 | 395 | Filing a submission after final rejection (37 CFR § 1.129(a)) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1810 | 790 | 2810 | 395 | For each additional invention to be examined (37 CFR § 1.129(b)) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1801 | 790 | 2801 | 395 | Request for Continued Examination (RCE) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1802 | 900 | 1802 | 900 | Request for expedited examination of a design application | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Other fee (specify): _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1. BASIC FILING FEE <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Large Fee Code</th> <th>Entity Fee (\$)</th> <th>Small Fee Code</th> <th>Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>1001</td><td>790</td><td>2001</td><td>395</td><td>Utility filing fee</td><td></td></tr> <tr><td>1002</td><td>350</td><td>2002</td><td>175</td><td>Design filing fee</td><td></td></tr> <tr><td>1003</td><td>550</td><td>2003</td><td>275</td><td>Plant filing fee</td><td></td></tr> <tr><td>1004</td><td>790</td><td>2004</td><td>395</td><td>Reissue filing fee</td><td></td></tr> <tr><td>1005</td><td>160</td><td>2005</td><td>80</td><td>Provisional filing fee</td><td></td></tr> <tr><td colspan="5" style="text-align: right;">SUBTOTAL (1)</td><td>(\$)0</td></tr> </tbody> </table> | Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description | Fee Paid | 1001 | 790 | 2001 | 395 | Utility filing fee | | 1002 | 350 | 2002 | 175 | Design filing fee | | 1003 | 550 | 2003 | 275 | Plant filing fee | | 1004 | 790 | 2004 | 395 | Reissue filing fee | | 1005 | 160 | 2005 | 80 | Provisional filing fee | | SUBTOTAL (1) | | | | | (\$)0 | 2. EXTRA CLAIM FEES <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Total Claims</th> <th>Previously Paid**</th> <th>Extra Claims</th> <th>Fee from Below</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>Independent Claims</td> <td>20</td> <td></td> <td>18</td> <td></td> </tr> <tr> <td>Multiple Dependent</td> <td>3</td> <td></td> <td>88</td> <td></td> </tr> <tr> <td colspan="3"></td> <td>300</td> <td></td> </tr> </tbody> </table> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Large Fee Code</th> <th>Entity Fee (\$)</th> <th>Small Fee Code</th> <th>Entity Fee (\$)</th> <th>Fee Description</th> </tr> </thead> <tbody> <tr><td>1202</td><td>18</td><td>2202</td><td>9</td><td>Claims in excess of 20</td></tr> <tr><td>1201</td><td>88</td><td>2201</td><td>44</td><td>Independent claims in excess of 3</td></tr> <tr><td>1203</td><td>900</td><td>2203</td><td>150</td><td>Multiple dependent claim, if not paid</td></tr> <tr><td>1204</td><td>88</td><td>2204</td><td>44</td><td>* Reissue independent claims over original patent</td></tr> <tr><td>1205</td><td>18</td><td>2205</td><td>9</td><td>* Reissue claims in excess of 20 and over original Patent</td></tr> <tr><td colspan="5" style="text-align: right;">SUBTOTAL (2)</td><td>(\$)0</td></tr> </tbody> </table> | Total Claims | Previously Paid** | Extra Claims | Fee from Below | Fee Paid | Independent Claims | 20 | | 18 | | Multiple Dependent | 3 | | 88 | | | | | 300 | | Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description | 1202 | 18 | 2202 | 9 | Claims in excess of 20 | 1201 | 88 | 2201 | 44 | Independent claims in excess of 3 | 1203 | 900 | 2203 | 150 | Multiple dependent claim, if not paid | 1204 | 88 | 2204 | 44 | * Reissue independent claims over original patent | 1205 | 18 | 2205 | 9 | * Reissue claims in excess of 20 and over original Patent | SUBTOTAL (2) | | | | | (\$)0 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description | Fee Paid | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1001 | 790 | 2001 | 395 | Utility filing fee | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1002 | 350 | 2002 | 175 | Design filing fee | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1003 | 550 | 2003 | 275 | Plant filing fee | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1004 | 790 | 2004 | 395 | Reissue filing fee | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1005 | 160 | 2005 | 80 | Provisional filing fee | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| SUBTOTAL (1) | | | | | (\$)0 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Total Claims | Previously Paid** | Extra Claims | Fee from Below | Fee Paid | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Independent Claims | 20 | | 18 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Multiple Dependent | 3 | | 88 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | 300 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1202 | 18 | 2202 | 9 | Claims in excess of 20 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1201 | 88 | 2201 | 44 | Independent claims in excess of 3 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1203 | 900 | 2203 | 150 | Multiple dependent claim, if not paid | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1204 | 88 | 2204 | 44 | * Reissue independent claims over original patent | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1205 | 18 | 2205 | 9 | * Reissue claims in excess of 20 and over original Patent | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| SUBTOTAL (2) | | | | | (\$)0 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| SUBMITTED BY Name (Print/Type): Larry G. Brown Signature: _____ | | Complete (if applicable) Registration No.: 45,834 Telephone: 954-723-4295 Date: May 15, 2006 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

* or number previously paid, if greater; For Reissues, see above.

* Reduced by Basic Filing Fee Paid

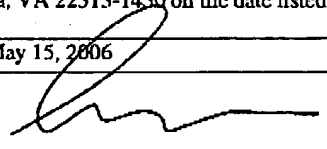
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Application No. 10/608,323
Appeal Brief dated May 15, 2006

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

APPLICANT: Patrick A. Hampton ART UNIT: 2642
APPLN. NO.: 10/608,323 EXAMINER: Nguyen, Quynh H
FILED: June 27, 2003
TITLE: ACOUSTIC SEAL SYSTEM

| CERTIFICATE OF FAX TRANSMITTAL | |
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| Signature: Typed or Printed Name: |  Larry Brown |

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Attention: Board of Patent Appeals and Interferences

Dear Chief Administrative Patent Judge:

This Appeal Brief is in furtherance of the Notice of Appeal transmitted via
facsimile on May 15, 2006.

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Page 1 of 16

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Appeal Brief dated May 15, 2006

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This brief contains items under the headings listed in the following Table of Contents, as set forth in 37 C.F.R. § 1.192(c).

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I. REAL PARTY IN INTEREST

The real party of interest is Motorola, Inc., a Delaware corporation.

II. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

III. STATUS OF CLAIMS

This is an appeal from the final rejection of claims 1-14 of the above-referenced application.

A. TOTAL NUMBER OF CLAIMS IN APPLICATION

There are a total of 14 claims in the application.

B. STATUS OF ALL THE CLAIMS

1. Claims allowed: none
2. Claims objected to: none
3. Claims rejected: 1-14

C. CLAIMS ON APPEAL

The claims on appeal are: 1-14.

IV. STATUS OF AMENDMENTS

A Final Rejection was mailed on February 17, 2006 in response to an Amendment filed on November 30, 2005. The Amendment and arguments were considered by the Examiner but were deemed unpersuasive. Applicants faxed a

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Notice of Appeal on May 15, 2006. This Appeal Brief is submitted in support of the Notice of Appeal.

V. SUMMARY OF THE CLAIMED INVENTION

Although specification citations are inserted below in accordance with C.F.R. 1.192(c), these reference numerals and citations are merely examples of where support may be found in the specification for the terms used in this section of the brief. There is no intention to in any way suggest that the terms of the claims are limited to the examples in the specification. Although, as demonstrated by the reference numerals and citations below, the claims are fully supported by the specification as required by law, it is improper under the law to read limitations from the specification into the claims. Pointing out specification support for the claim terminology, as is done here to comply with rule 1.192(c), does not in any way limit the scope of the claims to those examples from which they find support. Nor does this exercise provide a mechanism for circumventing the law precluding reading limitations into the claims from the specification. In short, the reference numerals and specification citations are not to be construed as claim limitations or in any way used to limit the scope of the claims.

The claimed subject matter pertains to an acoustic seal system 100 that includes a flexible sealing element (110) having a ridge (134) for engaging a cover (118) with a first sealing interference fit (see FIGs. 1-3 and page 6, lines 11-14). In

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addition, the system (100) can include a plate (112) in which the flexible sealing element (110) can be secured to the plate (112) (see FIGs. 1-3 and page 6, lines 8-11). The system (100) may also include a mesh (114) for controlling particulate contamination, which can be secured to the plate (112) (see FIGs. 1-3 and page 5, line 23 to page 6, line 3). At least a portion of the flexible sealing element (110) and the plate (112) can be secured to a portion of an inner housing (116), and the portion of the flexible sealing element (110) may engage the portion of the inner housing (116) with a second sealing interference fit (see FIGs. 1-3 and page 7, lines 1-14). When the cover (118) engages the inner housing (116), the flexible sealing element provides an acoustic seal between the cover (118) and the inner housing (116) (see FIG. 3; page 8, lines 17-20; and page 9, lines 11-15).

VI. ISSUES ON APPEAL

Whether claims 1-4, 7-12 and 14 are patentable under 35 U.S.C. 102(b) over U.S. Patent No. 4,799,264 to Plummer (Plummer).

Whether claims 5 and 6 are patentable under 35 U.S.C. 103(a) over Plummer in view of U.S. Patent No. 6,321,070 to Clark, et al. (Clark).

Whether claim 13 is patentable under 35 U.S.C. 103(a) in view of Plummer.

VII. GROUPING OF CLAIMS

For purposes of this Appeal, the Applicants present the following grouping of claims:

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1. Claims 1-13 are a group, with the appeal as to the ground of rejection being based on claim 1.

2. Claim 14 is another group, with the appeal as to the ground of rejection being based on claim 14.

VIII. ARGUMENT

The recitations of Plummer and Clark do not render the invention of claims 1-14 unpatentable.

A summary of the Plummer reference may be helpful here. Plummer describes a speaker system (10) that includes a housing (11) and a speaker (13) mounted in the housing (11), which includes a circular opening (12) for receiving the speaker (13) (see FIG. 1 and col. 3, lines 33-39). An acoustic filter (21) for intercepting and reradiating sound waves is mounted in front of a cone (16) of the speaker (13) (see FIG. 1 and Abstract). The acoustical filter (21) includes a frame (22) having a central aperture (23) and two membranes (27, 28) mounted to the frame (22) covering the aperture (23) and having a resonant frequency of vibration (see FIG. 1 and Abstract). When the membranes (27, 28) are mounted to the frame (22), an air pocket is formed, and a damping ring (29) is mounted within this air pocket (see FIG. 1 and col. 3, lines 51-51-63). Four slots (24) are formed in the frame (22) next to the aperture (23), through which lower frequency audio signals efficiently pass but not higher frequency signals (see FIG. 1; col. 3, lines 48-50; and

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col. 6, lines 3-8). A dispersion grid (31) for increasing the special angular dispersion of sound waves generated by the speaker (13) is mounted in front of the frame (22) (see FIG. 1 and Abstract). This dispersion grid (31) is maintained in a spaced, parallel relationship with respect to the acoustical filter (21) by a set of spacers (32) (see FIG. 1; col. 2, lines 15-19; col. 4, lines 8-11; and col. 6, lines 55-58).

It is well settled that in order for a claim to be anticipated under 35 U.S.C. § 102, each and every element of the claimed invention must be disclosed in a single prior art reference. Orthokinetics, Inc. v. Safety Travel Chairs, Inc., 806 F.2d 1565, 1574 (Fed. Cir. 1986). Whether the reference discloses every element of the invention, and also whether the reference and the claimed invention are the same, is to be determined by considering how persons of ordinary skill in the art interpret the reference. Scripps Clinic & Research Fdm. v. Genentech, Inc., 927 F.2d 1565, 1576 (Fed. Cir. 1991).

Independent claims 1 and 14 recite the feature of the flexible sealing element providing an acoustic seal between the cover and the inner housing when the cover engages the inner housing. Plummer, as interpreted by one of ordinary skill in the art, simply does not illustrate, teach or even suggest such a concept. In particular, the Examiner has attempted to equate the damping ring (29) of Plummer with the flexible sealing element (110) of the present invention, the circular opening

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(12) of the housing (11) in Plummer with the inner housing (116) of the present invention and the dispersion grid (31) of Plummer with the cover (118) of the present invention. Applicants respectfully disagree that the damping ring (29) of Plummer provides an acoustic seal between the circular opening (12) and the dispersion grid (31) when the dispersion grid (31) is mounted to the housing (11). Specifically, the dispersion grid (31) is secured to the frame (22) by a set of spacers (32) and is maintained in a spaced relationship with the acoustic filter (21), a configuration that is mentioned at least three times in the Plummer specification (see col. 2, lines 15-19; col. 4, lines 8-11; and col. 6, lines 55-58). That is, there is no acoustic seal between the acoustic filter (21) and the dispersion grid (31). Such a design is not suitable for the problem that the present invention solves, because audio would leak out between the acoustic filter (21) and the dispersion grid 31 - even if this configuration could be implemented in a handset - and potentially endanger a user listening to device containing both low and high audio speakers.

The operation of the membranes (27, 28) of Plummer lends further evidence that no acoustic seal exists between the acoustic filter (21) and the dispersion grid (31). Notably, the membranes (27, 28) vibrate back and forth when the appropriate frequencies impinge upon them. If the dispersion grid (31), which is constructed of a rigid material (see col. 4, lines 11-12), were sealed against the acoustic filter (21), the membranes (27, 28) would not be able to properly vibrate, if at all. Moreover,

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the Examiner's interpretation that the damping ring (29) of Plummer provides the acoustic seal cannot be accurate because the damping ring (29) is actually contained within the air pocket formed between the membranes (27, 28). It also appears that the Examiner has misinterpreted Applicants' statements in the document filed on November 30, 2005. A careful review of that paper reveals that Applicants noted that they "respectfully disagree that the damping ring 29 of Plummer provides an acoustic seal between the circular opening 12 and the dispersion grid 31 when the dispersion grid 31 is mounted to the housing 11" (see page 6, lines 1-4) (emphasis added).

Moreover, on page 5 of the Office Action of February 17, 2006, the Examiner contends that "if there is no acoustic sealing, then there would be no need for having membranes 27, 28 and damping ring 29 because these components would have no function at all." Applicants respectfully disagree. In particular, the purpose of the membranes (27, 28) and the damping ring (29) is to allow mid-range frequencies to pass through, while simultaneously blocking low frequencies, thereby causing them to pass through the slots 24. These components are simply not designed to provide an acoustic seal, as the Examiner believes.

Finally, dependent claim 11 recites the feature that the flexible sealing element includes an edge, and the edge engages the first cavity wall with the second sealing interference fit and the plate is secured to the first cavity surface.

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As can be seen in FIG. 1 of Plummer, the damping ring (29), which the Examiner has attempted to equate with the flexible sealing element of the current invention, does not engage, touch or contact the opening (12) or any other part of the housing (11).

Based on the discussion above, Applicants submit that the Plummer and Clark references simply do not show, describe or suggest, either individually or in combination with one another, the claimed invention. As such, Applicants believe that the rejections of independent claims 1 and 14 are improper and that these claims are patentable over the prior art. In addition, Applicants submit that the claims that depend from these independent claims are patentable over the prior art, both in view of their dependencies on the independent claims and their own independent patentability.

Conclusion

For the claims to be unpatentable under § 102, each and every element of the claimed invention must be disclosed in a single prior art reference. Because every element of the claimed invention is not disclosed by the prior art, Applicants contend that the claims on appeal are patentable.

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For the reasons set forth above, and as is apparent from a review of the above-cited references, the claims on appeal present patentable subject matter such that reversal of the rejection is appropriate.

Respectfully submitted,

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IX. CLAIMS APPENDIX

1. (original) An acoustic seal system, comprising:

a flexible sealing element having a ridge for engaging a cover with a first sealing interference fit;

a plate, wherein said flexible sealing element is secured to said plate;

and

a mesh for controlling particulate contamination, wherein said mesh is secured to said plate;

wherein said plate and at least a portion of said flexible sealing element are secured to a portion of an inner housing, said portion of said flexible sealing element engages the portion of the inner housing with a second sealing interference fit;

wherein when the cover engages the inner housing, said flexible sealing element provides an acoustic seal between the cover and the inner housing.
2. (original) The system according to claim 1, wherein said plate includes at least one acoustic port for directing acoustic waves, said acoustic ports corresponding to acoustic ports in the inner housing.

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3. (original) The system according to claim 2, wherein said flexible sealing element includes an opening, said opening exposing at least a portion of said plate and shaped to follow an outline of said acoustic ports of said plate.
4. (original) The system according to claim 1, wherein said flexible sealing element has a top surface, said ridge being positioned on said top surface.
5. (original) The system according to claim 1, wherein said plate is secured to the portion of the inner housing with an adhesive.
6. (original) The system according to claim 1, wherein said mesh is secured to said plate with an adhesive.
7. (original) The system according to claim 1, wherein said flexible sealing element is constructed of at least one of rubber and plastic.
8. (original) The system according to claim 1, wherein said plate is constructed of a rigid material.
9. (original) The system according to claim 8, wherein said rigid material

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is metal.

10. (original) The system according to claim 1, wherein the inner housing includes a first cavity having a first cavity surface and a first cavity wall.

11. (original) The system according to claim 10, wherein said flexible sealing element includes an edge, said edge engaging the first cavity wall with the second sealing interference fit, wherein said plate is secured to the first cavity surface.

12. (original) The system according to claim 1, wherein a speaker is secured to a second cavity surface of a second cavity of the inner housing with an adhesive and wherein said plate at least partially directs acoustic waves emanating from the speaker.

13. (original) The system according to claim 1, wherein said flexible sealing element is molded onto said plate.

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14. (original) An acoustic seal system, comprising:
- a flexible sealing element;
 - a plate, wherein said flexible sealing element is secured to said plate;
- and
- a mesh for controlling particulate contamination, wherein said mesh is secured to said plate;
- wherein said plate and at least a portion of said flexible sealing element are secured to an inner housing;
- wherein when the inner housing engages a cover, said flexible sealing element is also secured to the cover thereby creating an acoustic seal between the inner housing and the cover.